

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional Temporary
Urgency Change Order On Permits 15026
issued pursuant to Applications 5632

YUBA COUNTY WATER AGENCY,
Permittee

ORDER: WR 90-14

SOURCES: North Yuba, Yuba,
and Middle Yuba
Rivers and Oregon
Creek

COUNTIES: Yuba and Sutter

ORDER VALIDATING THE ISSUANCE OF A
CONDITIONAL TEMPORARY URGENCY CHANGE ORDER
TO ADD POINTS OF DIVERSION AND PLACE OF USE
TO DELIVER 3,000 ACRE-FEET OF WATER
TO THE TUDOR MUTUAL WATER COMPANY AND FEATHER WATER DISTRICT

BY THE BOARD:

The Yuba County Water Agency (Yuba) having filed a petition for a Temporary Urgency Change in point of rediversion, and place of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); on August 28, 1990, Board Member Samaniego having concluded from available information that a Conditional Temporary Urgency Change (CTUC) Order was appropriate, issued said Order subject to review and validation by the Board within 30 days, as provided by Water Code Section 1435(d); the Board finds as follows:

SUBSTANCE OF THE PETITIONED CHANGES:

1. On August 16, 1990, Yuba petitioned the Board to authorize temporary changes to Permits 15026, to be effective from the date of the CTUC through November 1, 1990.
2. The petitioned changes are to: 1) add a points of redirection at the pumping plant operated by Tudor Mutual Water Company (Tudor) and the two pumping plants operated by Feather Water District (Feather) on the Feather River, and 2) add the service areas for Tudor and Feather located approximately ten miles south of Yuba City.
3. The petitioned changes would allow Yuba to transfer up to 3,000 acre-feet (af) of stored water from New Bullards Bar Reservoir for use within the service areas of Tudor and Feather.

ACTION BY BOARD MEMBER SAMANIEGO:

4. On August 28, 1990, Board Member Samaniego in accordance with Water Code Section 1435(d) and Board Resolution No. 84-2, issued a CTUC Order approving the petitioned actions, subject to several specified conditions. The Board concurs in and incorporates herein by reference the findings set forth in that Order.

NOTICE OF THE PETITION:

5. On August 24, 1990, Notice of the petition for the Temporary Urgency Change was mailed to interested parties.

6. In accordance with Water Code Section 1438(b)(1), the Notice was published in the August 29, 1990 edition of the Appeal-Democrat newspaper, since the temporary points of diversion are located within Sutter County.
7. The final date for submitting objections to the petition was September 4, 1990.

OBJECTIONS TO PETITION AND RESPONSES:

8. The Department of Water Resources submitted a memorandum dated August 27, 1990 stating that DWR "does not support approval of the petition" and that it believes that "the transfer will have a direct adverse impact on the joint operation of the State Water Project and the Central Valley Project". DWR based its view on the assumption that the water proposed to be transferred to Tudor and Feather would be released into the Yuba River with or without the transfer. Thus, in DWR's view, approval of the petition would result in increased diversion of water that would otherwise contribute to Delta outflow. That, in turn, would require increased releases from the state and federal projects to meet the water quality standards established in Board Decision 1485.
9. At a meeting with representatives of Yuba, DWR, Tudor and Feather on August 29, 1990, Yuba's representative stated that, if the petition were not approved, Yuba intended to hold the 3,000 af covered by the petition in carryover storage at New Bullards Bar Reservoir, rather than release it into the Yuba River. Therefore, even in the absence of the transfer, the 3,000 af involved would not be released to meet Delta water quality standards.

In addition, Yuba submitted figures to show that Yuba will have sufficient water in storage to meet the projected needs within its service area for the next year. Based on the information in the record, the Board concludes that approval of the petition will not result in injury to any legal user of water.

CONCLUSION:

10. Based on the findings set forth above, the Board concludes that the temporary urgency change order issued by Board Member Samaniego on August 28, 1990 should be validated.

ORDER

IT IS HEREBY ORDERED THAT:

The issuance of the August 28, 1990, Conditional Temporary Urgency Change Order by Board Member Samaniego temporarily authorizing: 1) the additional points of rediversion, and 2) a change in the place of use under Permit 15026 is hereby validated subject to the terms and conditions specified in that Order.

CERTIFICATION

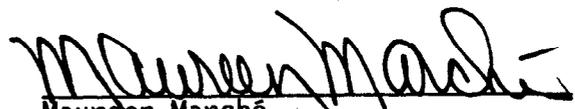
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 20, 1990.

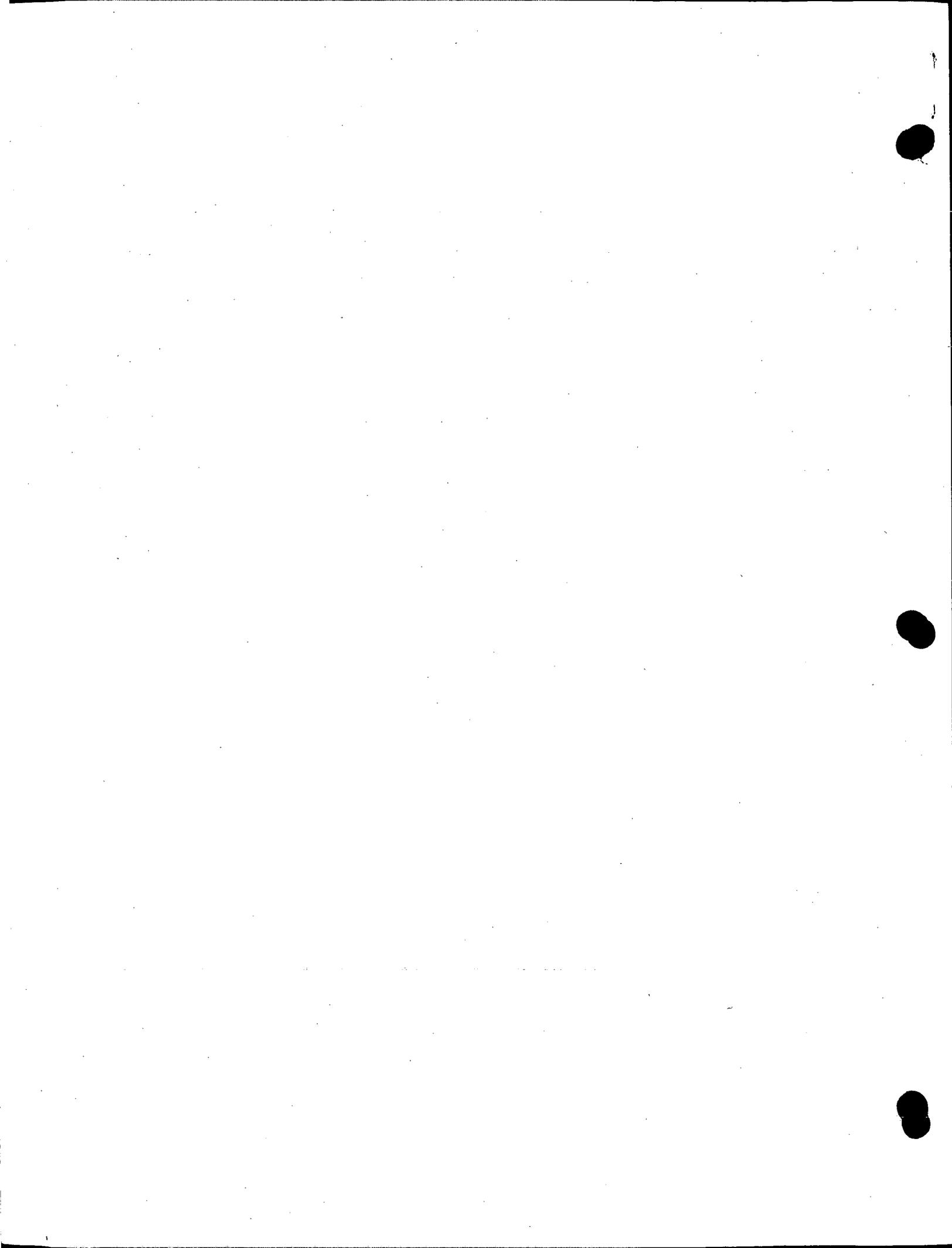
AYE: W. Don Maughan
 Darlene E. Ruiz
 Edwin H. Finster
 Eliseso M. Samaneigo
 John Caffrey

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to Board



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

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Urgency Change Order On Permits 15026)
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SOURCES: North Yuba, Yuba,
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SUBSTANCE OF THE PETITIONED CHANGES:

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2. The petitioned changes are to: 1) add a points of rediversion at the pumping plant operated by Tudor Mutual Water Company (Tudor) and the two pumping plants operated by Feather Water District (Feather) on the Feather River, and 2) add the service areas for Tudor and Feather located approximately ten miles south of Yuba City.
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CONCLUSION:

10. Based on the findings set forth above, the Board concludes that the temporary urgency change order issued by Board Member Samaniego on August 28, 1990 should be validated.

ORDER

IT IS HEREBY ORDERED THAT:

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CERTIFICATION

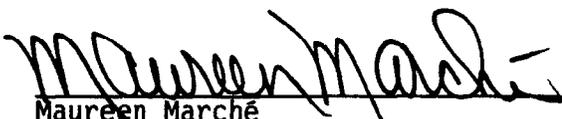
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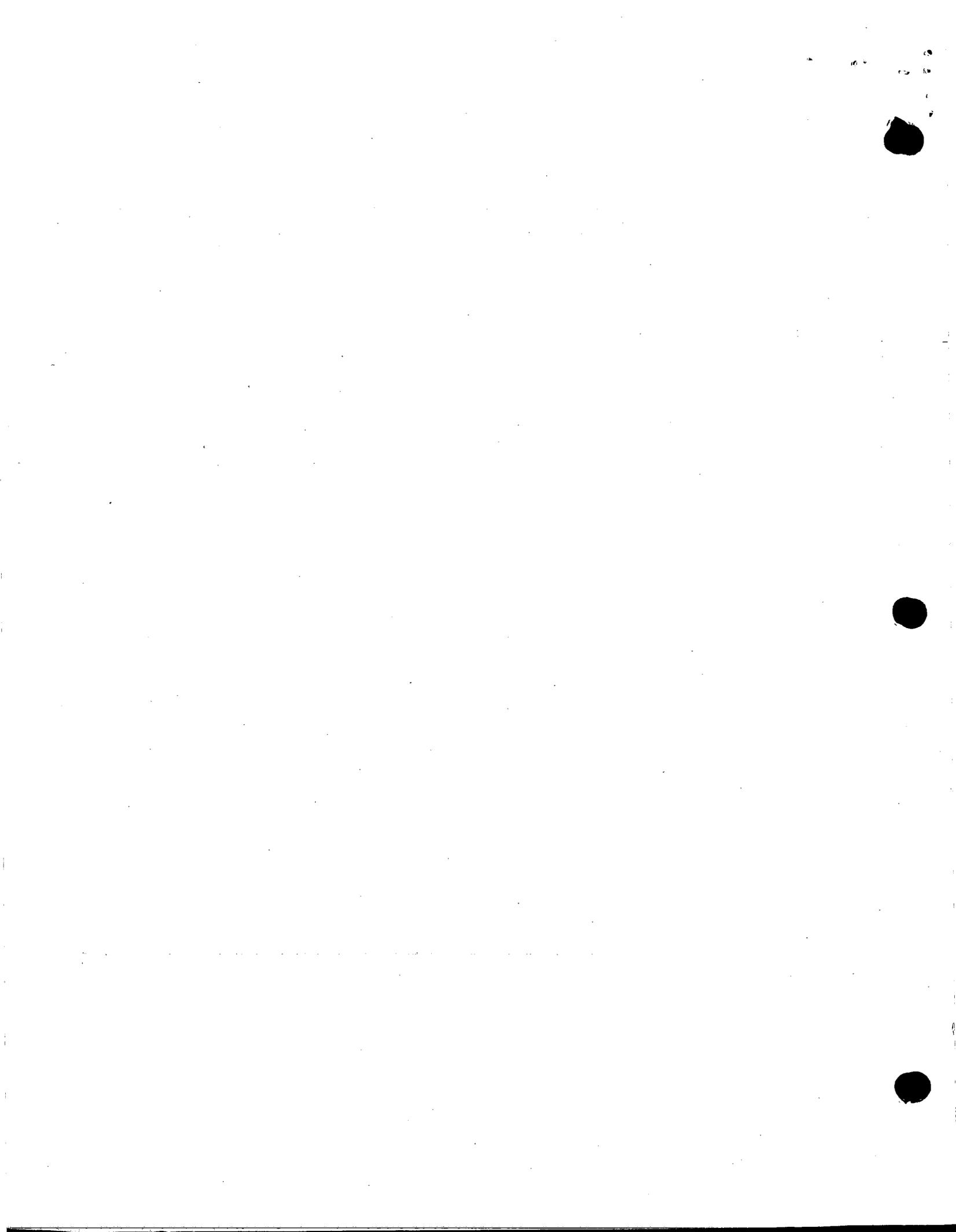
AYE: W. Don Maughan
 Darlene E. Ruiz
 Edwin H. Finster
 Eliseso M. Samaniego
 John Caffrey

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to Board



STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Licensed)	
Applications 1389, 2221, and)	ORDER: WR 90-13
2615)	
WALKER RIVER IRRIGATION)	SOURCE: East Fork Walker
DISTRICT,)	River and West Fork
)	Walker River
Licensee.)	COUNTY: Mono
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ORDER GRANTING PETITION FOR RECONSIDERATION
OF ORDER WR 90-9 FOR THE PURPOSE OF
ISSUING A CONSOLIDATED ORDER

BY THE BOARD:

1.0 INTRODUCTION

By Order WR 90-9, adopted June 21, 1990, the Board ordered that water right Licenses 3987, 6000, and 9407 (issued on Applications 1389, 2221, and 2615) be amended to include the following additional condition:

"In accordance with the requirements of Fish and Game Code Section 5946, this license is conditioned upon full compliance with Section 5937 of the Fish and Game Code."

2.0 PETITION FOR RECONSIDERATION

Licensee Walker River Irrigation District (hereinafter, Petitioner) filed a timely petition for reconsideration of Order WR 90-9. (Water Code Section 1357.) Grounds

for reconsideration urged by Petitioner are that it was prevented from having a fair hearing and error in law. (23 Code of Calif. Regs. 768(a), 768(d).)

3.0

RELATED PROCEEDING

Subsequent to the filing of the Petition for Reconsideration of Order WR 90-9, the Board on July 26 and 27, 1990, conducted a hearing in a closely related proceeding. This related proceeding, "Complaint by California Trout, Inc., against Walker River Irrigation District", has as its principal goal development of an order which will prescribe specific criteria (which may be interim criteria) for implementing the narrative requirement of Fish and Game Code Section 5937, viz., that the fishery below Bridgeport Dam be kept in good condition. Bridgeport Dam is a project work covered by water right License 9407 (Application 1389), one of the three licenses amended by Order WR 90-9.

4.0

THE PETITION SHOULD BE GRANTED SO THAT A CONSOLIDATED ORDER MAY BE ADOPTED

The petition raises issues which should be addressed by the Board in an order. However, principles of efficiency and clarity support consideration of the issues raised by the petition at the same time the Board considers the issues raised by the closely related proceeding identified in the preceding

paragraph. Orders in both proceedings will be considered for adoption by the Board at its October 1990 Board Meeting. Accordingly, the petition should be granted to permit the Board to address these issues at the same time it considers the issues raised in the related proceeding.

5.0 GRANTING RECONSIDERATION IMPLIES NO DETERMINATION OF THE MERITS OF PETITIONER'S ARGUMENTS

The purpose of granting the petition is to enable the Board to consider the issues raised therein together with the issues involved in the related proceeding. Granting the petition implies no determination on the merits thereof.

6.0 PREVIOUS LICENSE AMENDMENTS SHOULD REMAIN IN EFFECT

To comply with the mandate of Fish and Game Code Section 5946 and to continue in effect a water right enforcement remedy for protection of the fish below Bridgeport Dam, the water right license amendments made by Order WR 90-9 should remain in full force and effect pending further order. (See California Trout, Inc. v. State Water Resources Control Board, 218 Cal.App.3d 187 (1990).)

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration filed by Licensee Walker River Irrigation District be granted;

provided, that granting said petition implies no determination on the merits thereof. The amendments to water right licenses made by Order WR 90-9 shall remain in full force and effect pending further order of the Board.

CERTIFICATION

The undersigned, Administrative Assistant to the State Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 5, 1990.

AYE: W. Don Maughan
Edwin H. Finster
Eliseo M. Samaniego
John Caffrey

NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marché
Administrative Assistant
to the Board

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

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Applications 1389, 2221, and)	ORDER: WR 90-13
2615)	
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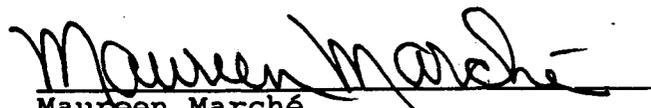
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NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marché
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